

Article - Estates and Trusts

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§13.5–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Conservator” means a person appointed by a court to administer the property of an adult, including a person appointed as guardian under Title 13, Subtitle 2 of this article to manage the property of a disabled person.
- (c) “Emergency” means a circumstance that likely will result in a substantial harm to the health, safety, or welfare of a respondent, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on behalf of the respondent.
- (d) “Guardian” means a person appointed by a court to make decisions regarding the person of an adult, including a person appointed under Title 13, Subtitle 7 of this article.
- (e) “Guardianship order” means an order appointing a guardian.
- (f) “Guardianship proceeding” means a proceeding in which an order for the appointment of a guardian is sought or has been issued.
- (g) “Home state” means the state in which the respondent was physically present for at least 6 consecutive months, including a period of temporary absence, immediately before the filing of a petition for the appointment of a guardian or protective order.
- (h) “Incapacitated person” means an adult for whom a guardian has been appointed, including a “disabled person” as defined in § 13–101 of this article.
- (i) “Party” means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.
- (j) “Protected person” means an adult for whom a protective order has been made.
- (k) “Protective order” means an order appointing a conservator or a guardian of the property in accordance with Title 13, Subtitle 2 of this article, or another court order related to management of an adult’s property.

(l) “Protective proceeding” means a judicial proceeding in which a protective order is sought or has been issued.

(m) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(n) “Respondent” means an adult for whom a protective order or the appointment of a guardian is sought.

(o) (1) “Significant-connection state” means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

(2) Determination of whether a respondent has a significant connection with a particular state shall include consideration of the following factors:

(i) The location of the family of the respondent and others required to be notified of the guardianship or protective proceeding;

(ii) The length of time the respondent at any time was physically present in the state and the duration of any absences;

(iii) The location of the respondent’s property; and

(iv) The extent to which the respondent has other ties to the state such as voting registration, filing of state or local tax returns, vehicle registration, driver’s license, social relationships, and receipt of services.

(p) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

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